

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
27 May 2004 (27.05.2004)

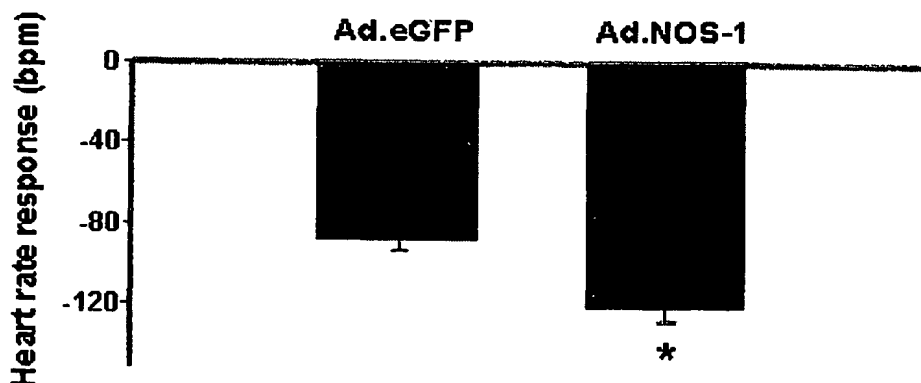
PCT

(10) International Publication Number
WO 2004/043494 A1

- (51) International Patent Classification⁷: **A61K 48/00**, A61P 9/06
- (21) International Application Number:
PCT/GB2003/004934
- (22) International Filing Date:
13 November 2003 (13.11.2003)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
0226463.8 13 November 2002 (13.11.2002) GB
- (71) Applicant (for all designated States except US): **ISIS INNOVATION LIMITED** [GB/GB]; Ewert House, Ewert Place, Summertown, Oxford OX2 7SG (GB).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): **PATERSON, David, James** [GB/GB]; University Offices, Wellington Square, Oxford OX1 2JD (GB).
- (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (*regional*): ARIPO patent (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:
— with international search report
— before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

[Continued on next page]

(54) Title: NITRIC OXIDE SYNTHASE GENE TRANSFER TO THE ATRIUM FOR VAGAL TONE INCREASE



(57) Abstract: High vagal tone is a positive prognostic indicator against sudden cardiac death, whereas impaired activity is a strong predictor of mortality. NOS gene transfer to cardiac tissue has been found to increase expression of the enzyme in cholinergic ganglia, to increase the release of acetylcholine, and to enhance the heart rate response to vagal nerve stimulation. The invention provides methods and products for increasing cardiac vagal responsiveness and vagal tone and for decreasing sympathetic activity, *e.g.* for increasing bradycardia, for reducing cardiac autonomic impairment, for reducing the risk of sudden cardiac death, for reducing arrhythmia, for reducing the risk of myocardial infarction, and/or for reducing hypertension. The invention is particularly useful for patient groups where exercise training may be poorly tolerated. A typical method involves the step of delivering to a patient's cardiac autonomic structures nucleic acid which, when expressed, increases nitric oxide synthase levels.

WO 2004/043494 A1

BEST AVAILABLE COPY



For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

NITRIC OXIDE SYNTHASE GENE TRANSFER TO THE ATRIUM FOR VAGAL TONE INCREASE

All documents cited herein are incorporated by reference in their entirety.

TECHNICAL FIELD

This invention is in the field of cardiac function, and in particular it relates to the use of gene therapy
5 to improve cardiac vagal function and minimise excessive sympathetic stimulation.

BACKGROUND ART

High vagal tone and responsiveness is a positive prognostic indicator against sudden cardiac death, whereas impaired activity is a strong independent predictor of mortality [1].

It is an object of the invention to provide methods and products suitable for increasing vagal
10 responsiveness and vagal tone, and decreasing sympathetic activity.

DISCLOSURE OF THE INVENTION

Nitric oxide (NO) generated from nitric oxide synthase (NOS) in intrinsic cardiac ganglia has been implicated in parasympathetic-induced bradycardia, and the invention is based on the finding that NOS acts in a site-specific manner to promote vagal neurotransmission and bradycardia. NOS gene
15 transfer to cardiac tissue has surprisingly been found to increase expression of the enzyme and its immunolocalisation in cholinergic ganglia, to increase the release of acetylcholine *in vitro* and *in vivo*, and to enhance the heart rate response to vagal nerve stimulation *in vitro* and *in vivo*.

The invention therefore provides a method of treating a patient, comprising the step of delivering to the patient's cardiac autonomic structures nucleic acid which, when expressed, increases nitric oxide
20 synthase levels. The invention also provides the use of nucleic acid which, when expressed, increases nitric oxide synthase levels, in the manufacture of a medicament.

The methods and uses of the invention are useful for increasing cardiac vagal tone and/or responsiveness, for increasing bradycardia, for reducing cardiac autonomic impairment, for reducing the risk of sudden cardiac death, for reducing arrhythmia (*e.g.* atrial fibrillation and/or ventricular
25 arrhythmia), for reducing the risk of myocardial infarction, and/or for reducing hypertension [2, 3, 4]. They are particularly useful for treating patient groups where exercise training may be poorly tolerated.

Nitric oxide synthase

NO is formed by NOS from L-arginine, and the reaction requires tetrahydrobiopterin (BH₄) as a
30 cofactor. It is thought to be a fundamental signalling molecule in the regulation of cardiac cholinergic function [*e.g.* see refs. 5 to 8], and neuronal nitric oxide synthase (NOS-1 or nNOS) co-localizes with choline acetyltransferase in the intra-cardiac ganglia [9]. Functionally, pharmacological evidence suggests that NO generated from NOS-1 directly enhances the negative chronotropic effect of cholinergic stimulation [10,11] by activating the guanylate cyclase/cGMP pathway [11,12] to
35 facilitate the release of acetylcholine (ACh) [13], and indirectly via endothelial NOS-3 (eNOS) M₂

receptor coupled inhibition of I_{Ca-L} in pacemaking cells [14], although this latter point is disputed [15]. The vagal heart rate response to modulators of the NO-cGMP pathway is not mimicked by carbachol (a stable analog of acetylcholine), suggesting that the dominant functional role of this pathway is pre-synaptic to the neuro-effector junction [11,12].

- 5 The invention will typically involve delivering nucleic acid encoding a nitric oxide synthase to a patient, with increased levels of NOS leading to increased levels of NO and/or superoxide. Three types of nitric oxide synthases are recognised: NOS-1 (or nNOS), NOS-2 (iNOS) and NOS-3 (eNOS). All three enzymes have been cloned and sequenced for various organisms, and polymorphic variants, splice variants and isoforms of NOS genes have been described [e.g. see refs. 16 to 19, *etc.*].
- 10 NOS-1 and NOS-3 are constitutively expressed *in vivo* (collectively referred to as 'cNOS') whereas expression of NOS-2 is inducible. In general, the term "nitric oxide synthase" encompasses all three NOS forms, and includes both natural and modified forms of the enzyme (e.g. those obtained by protein engineering, mutagenesis, molecular evolution, fusion proteins, *etc.*) provided that the enzyme retains the ability to convert L-Arginine to nitric oxide (e.g. as specified by enzyme
- 15 classification EC 1.14.13.39) and/or the ability to produce superoxide.

The invention preferably uses a cNOS (*i.e.* a NOS-3 and/or a NOS-1), with NOS-1 being more preferred. Detailed information about NOS-1 is available from reference 20.

The NOS is preferably from the organism being treated *e.g.* human NOS is used to treat humans.

The nucleic acid

- 20 The invention involves delivery of nucleic acid encoding NOS to the patient's cardiac tissue. As mentioned above, detailed sequence information is available for all three forms of NOS, and the use of all three forms in gene therapy has been described [e.g. as reviewed in ref. 21].

The nucleic acid will generally take the form of DNA.

The nucleic acid may be replicating or non-replicating.

- 25 The nucleic acid may be integrating or non-integrating.

The nucleic acid may be an autonomously replicating episomal or extrachromosomal vector, such as a plasmid. Eukaryotic expression vectors for NOS are disclosed *e.g.* in ref. 22.

- The nucleic acid preferably includes at least one transcriptional promoter and/or enhancer for controlling expression of the NOS sequence. Typical nucleic acids include an upstream promoter for
- 30 controlling transcription of the NOS coding sequence. Transcriptional repressors may also be used.

The promoter may be a constitutive promoter or it may be a regulated or inducible promoter. The promoter will typically not be the promoter with which the NOS coding sequence is associated in nature *i.e.* the nucleic acid is a heterologous construct. The promoter may be naturally-occurring, but

will generally be a chimeric regulatable system incorporating various prokaryotic and/or eukaryotic elements. Various promoter modules can be used to allow various levels of control.

Constitutive promoters useful for directing transcription of the NOS coding sequence include those from genes coding for glycolytic enzymes, or from β -actin, and allow persistent up-regulation of NOS expression. Viral promoters may also be used *e.g.* from CMV (as in refs. 31 & 33, with nNOS).

Inducible and regulated promoters [*e.g.* ref. 23] can allow spatial and/or temporal control of NOS transcription, above and beyond any spatial control achieved by targeted delivery of the vector.

Tissue-specific or cell-type-specific promoters facilitate spatial control. Advantageously, the invention uses a promoter which is active in neuronal tissue, particularly tissue in the autonomic nervous system (*e.g.* the vagus). Preferred promoters are active in cholinergic ganglia tissue *e.g.* the promoter from choline acetyltransferase or from the vesicular acetylcholine transporter.

Drug-inducible promoters facilitate temporal control *e.g.* by including cAMP response element enhancers in a promoter, cAMP modulating drugs can be used [24]. Other common regulated systems are based on tetracycline, RU486, ecdysone, rapamycin, *etc.* [23]. In contrast, repressor elements can be included in a vector to prevent transcription in a drug's presence [25]. Spatial and temporal control of gene expression can also be achieved by using a promoter which responds to ionising radiation [*e.g.* refs. 26 & 27].

As mentioned above, these various promoters can be used alone or in combination to allow multiple control mechanisms. In addition to the promoter, the nucleic acid may include transcriptional regulatory sequences (*e.g.* enhancers, upstream and/or downstream) to interact functionally with the promoter. Nucleic acid can also include a eukaryotic transcriptional terminator sequence downstream of the NOS coding sequence.

Other features of nucleic acids of the invention include: a signal which directs polyadenylation of NOS-coding RNAs (*e.g.* from SV40); a selectable marker; an origin of replication; a multiple cloning site; and an IRES. For non-replicating nucleic acids, the origin of replication is preferably active in prokaryotes but not eukaryotes, thereby facilitating production in convenient prokaryotic systems.

The invention therefore provides a nucleic acid molecule comprising a non-constitutive promoter and a coding sequence, wherein: (a) the promoter is operably linked to the coding sequence to control transcription of the coding sequence; (b) the promoter is specifically active in cholinergic ganglia tissue; and (c) the coding sequence encodes a nitric oxide synthase. Further features of the nucleic acid are as described above. The invention also provides this nucleic acid for use as a medicament.

Delivering the nucleic acid

For delivery to a patient, nucleic acid of the invention may be administered as "naked" nucleic acid. More typically, however, it will be packaged for delivery within a vector suitable for use in gene therapy [28].

The invention can utilise viral vectors [29,30] (e.g. adenovirus vectors [31,32,33], adeno-associated virus vectors [34], lentivirus vectors [35], parvovirus vectors, herpesvirus-based vectors, other retroviral vectors, alphavirus vectors, *etc.*), but non-viral vectors [36,37,38] are preferred. Suitable delivery systems for vectors include liposomes (e.g. cationic or anionic [39 to 43]), microparticles, nanoparticles, condensing agents, bolosomes, lipoplexes, virosomes, cationic polymers, *etc.* Nucleic acids of the invention may therefore include suitable packaging signals.

Viral and non-viral vectors can be administered to a patient in various ways e.g. by hand-held gene transfer particle gun [44], or by injection of the vector.

Delivery of the vector may be systemic, but will generally be targeted to the heart, to the autonomic nervous system, or specifically to the vagus nerve. Targeting may be receptor-mediated (e.g. using immunoliposomes), as described in, for example, references 45 to 50. As an alternative, targeting may involve direct delivery to target tissue (e.g. by direct injection of nucleic acid into the vagus nerve, which may be convenient during a procedure such as open heart surgery, or by injection into the heart in the vicinity of the cardiac/vagus interface).

Another targeted delivery method (particularly for non-viral vectors) involves administering the vector to the body and "activating" it specifically in the heart. For instance, references 51 & 52 review the use of microbubbles which contain gene therapy vectors, with ultrasound being used to disrupt the microbubbles in a site-specific manner to deliver nucleic acid. Reference 53 describes a method where vector delivery is promoted by echo contrast microbubble injection into the aortic root with brief balloon occlusion above the sinuses.

Therapeutic compositions containing a nucleic acid are typically administered in a range of about 100 ng to about 200 mg of DNA for local administration in a gene therapy protocol. Concentration ranges of about 500 ng to about 50 mg, about 1 µg to about 2 mg, about 5 µg to about 500 µg, and about 20 µg to about 100 µg of DNA can also be used during a gene therapy protocol. Factors such as method of action and efficacy of transformation and expression are considerations which will affect the dosage required for ultimate efficacy. Where greater expression is desired over a larger area of tissue, larger amounts of vector or the same amounts re-administered in a successive protocol of administrations, or several administrations to different adjacent or close tissue portions may be required to effect a positive therapeutic outcome. In all cases, routine experimentation in clinical trials will determine specific ranges for optimal therapeutic effect.

Delivery of nucleic acid can occur *in vivo* or *ex vivo*. *Ex vivo* gene therapy requires the isolation and purification of patient heart cells, the introduction of a therapeutic gene and introduction of the genetically altered cells back into the patient. In contrast, *in vivo* gene therapy does not require isolation and purification of a patient's cells.

The cardiac tissue

The invention involves the delivery of nucleic acid to cardiac tissue. More particularly, it involves delivery to the autonomic nervous system of the heart *i.e.* to the vagus nerve. Expression of the nucleic acid in the receiving tissue increases nitric oxide synthase levels there.

- 5 For most delivery methods, other tissues and cell-types will inevitably receive the vector as well. This “bystander” transfection may be acceptable, and may actually be advantageous *e.g.* increased NO levels in neurons of the sympathetic nervous system can be inhibitory, thereby reinforcing the effect of vagal stimulation. Therefore delivery need not be vagus-specific. If necessary, a high degree of control can be achieved by using both targeted delivery of the NOS-coding sequence and
10 target-specific control of transcription.

- If a “homing” vector is used (*e.g.* a receptor-mediated vector) then the vector can be administered to a patient remotely from the heart (*e.g.* by intravenous injection). Remote administration can also be used where site-specific activation of transfection is used (*e.g.* ultrasound activation). Other vectors will, however, generally require direct delivery to the heart (*e.g.* by direct injection, transc coronary
15 delivery, percutaneous injection, *etc.*).

Within the heart, delivery to the right atrium is preferred *e.g.* injection into the right atrium where the vagal post-ganglionic cell bodies terminate, close to their neuroeffector junction.

The increase in vagal tone

- Vagal tone is the effect produced on the heart when only the parasympathetic nerve fibres (carried in
20 the vagus nerve) are controlling the heart rate, and reflects the extent of restraint on the heart applied by the brain. High cardiac vagal tone is a positive prognostic indicator against sudden cardiac death, and diminished vagal tone is a known mortality marker. A reduction of vagal tone is also found to be associated with acute myocardial infarction. The invention aims to increase vagal tone, thereby reducing the risk of cardiac death. Vagal tone can be increased by aerobic exercise but, for patients
25 where such training may not be tolerated, the invention offers an alternative.

Various methods are known for measuring vagal tone. It can be monitored in a non-invasive, real time and continuous manner using apparatus such as the NeuroScope (MediFit Diagnostics Ltd, London) [*e.g.* refs. 54 & 55]. A linear measurement scale has been devised [56] called the linear vagal scale (LVS).

- 30 The method of the invention preferably increases vagal tone, as measured by LVS, by at least 10% (*e.g.* an increase of at least 20%, 30%, *etc.*) relative to the value prior to commencement of treatment.

The effect of increased vagal tone can also be seen in bradycardia *i.e.* in a reduction of heart rate. The method of the invention preferably reduces the heart rate of a patient by at least 10 beats per minute (*e.g.* by at least 20 bpm, 30bpm, 40bpm, 50bpm or more) *e.g.* to fewer than 60 beats per minute.

- 35 Overall, the effect of the invention is to increase cardiac vagal tone in a way which mimics the effect of athletic/aerobic exercise.

The patient

The patient will usually be a mammal, such as a horse (*e.g.* a racehorse), a dog (*e.g.* greyhound), a cow, *etc.* Preferred patients are humans, and generally adult humans. The patient will generally have a low cardiac vagal tone.

5 *Medicaments*

The invention provides a medicament comprising nucleic acid encoding nitric oxide synthase as described above. The nucleic acid (either naked or in the form of a gene therapy vector) will generally be combined with a pharmaceutically acceptable carrier.

10 The term “pharmaceutically acceptable carrier” refers to a carrier for administration of a therapeutic agent, such as antibodies or a polypeptide, genes, and other therapeutic agents. The term refers to any pharmaceutical carrier that does not itself induce the production of antibodies harmful to the individual receiving the composition, and which can be administered without undue toxicity. Suitable carriers can be large, slowly metabolized macromolecules such as proteins, polysaccharides, polylactic acids, polyglycolic acids, polymeric amino acids, amino acid copolymers, and inactive virus particles. Such carriers are well known to those of ordinary skill in the art. Pharmaceutically acceptable carriers in therapeutic compositions can include liquids such as water, saline, glycerol and ethanol. Auxiliary substances, such as wetting or emulsifying agents, pH buffering substances, and the like, can also be present in such vehicles. Typically, the therapeutic compositions are prepared as injectables, either as liquid solutions or suspensions; solid forms suitable for solution in, or suspension in, liquid vehicles prior to injection can also be prepared. Pharmaceutically acceptable salts can also be present in the pharmaceutical composition, *e.g.* mineral acid salts such as hydrochlorides, hydrobromides, phosphates, sulfates, and the like; and the salts of organic acids such as acetates, propionates, malonates, benzoates, and the like. A thorough discussion of pharmaceutically acceptable excipients is available in reference 57.

25 Preferred medicaments are aqueous, buffered at pH 7.0 ± 0.5 , pyrogen-free and sterile.

Medicaments of the invention may be administered in combination with beta-blockers, thereby achieving a decrease in sympathetic nervous activity at the same time as increasing vagal parasympathetic activity.

Definitions

30 The term “comprising” means “including” as well as “consisting” *e.g.* a composition “comprising” X may consist exclusively of X or may include something additional *e.g.* X + Y.

The term “about” in relation to a numerical value *x* means, for example, $x \pm 10\%$.

The word “substantially” does not exclude “completely” *e.g.* a composition which is “substantially free” from Y may be completely free from Y. Where necessary, the word “substantially” may be omitted from the definition of the invention.

35

BRIEF DESCRIPTION OF DRAWINGS

Figure 1 shows NADPH-diaphorase staining of atrial cryosections. The bar is 25 μ M.

Figure 2 shows anti-GFP histochemical staining of atrial cryosections. The bar is 50 μ M.

Figure 3 is a western blot (17.5 μ g protein loaded) of protein extracts from atria transfected with eGFP or with NOS-1. Figure 4 shows the same data quantitatively.

Figure 5 shows *in vivo* heart rate responses to vagal nerve stimulation (5Hz). Figure 6 is a graph of the same response data (*p<0.05 unpaired t-test n=6)

Figure 7 shows heart rate responses to vagal nerve stimulation (3Hz & 5Hz; 30s, 15V, 1ms duration).

Figure 8 shows heart rate responses to bath-applied carbachol (CCh; 2 minutes incubation).

Figure 9 shows the release of ACh in the presence of absence of the guanylyl cyclase inhibitor 1H-(1,2,4)-oxadiazolo-(4,3-a)-quinoxalin-1-one (ODQ 10 μ M). (*p<0.01 paired t test; †p<0.05 χ^2).

Figure 10 shows heart rate responses to vagal nerve stimulation in the presence of absence of the NOS inhibitor N ω -nitro-L-arginine (L-NA, 100 μ M, 20 min incubation).

Figure 11 shows heart rate responses to bath-applied carbachol (0.2 μ M; 2 mins incubation) in atria pre-treated with L-NA (100 μ M, 20 min incubation).

Figure 12 shows *in vivo* heart rate reductions in the hypertensive rats.

Figure 13 shows *in vivo* noradrenaline responses in the hypertensive rats. The upper series of data shows responses from the Ad.eGFP group; the lower series of data is the Ad.NOS-1 group.

Figure 14 shows confocal imaging of atria from Ad.eGFP group (top row) and Ad.NOS-1 group (bottom row) stained for NOS-1 (left column) and choline acetyltransferase (ChAT, middle column). NOS-1 staining in cholinergic ganglia was greatly increased in Ad.NOS-1 compared to Ad.eGFP groups. The right column shows co-localisation of NOS-1 and ChAT.

Figure 15 shows the heart rate (bpm) of SHR rats in response to noradrenaline. Rats were transfected either with Ad.eGFP (upper series, n=20) or with Ad.NOS-1 (lower series, n=8).

Figure 16 shows the heart rate response (bpm) of SHR rats in VNS experiments. The left-hand column of each pair is from Ad.eGFP rats and the right-hand column is from Ad.NOS-1 rats.

Figure 17 shows the heart rate (bpm) of SHR rats (upper series, n=20) and WKY rats (lower series, n=6) in response to noradrenaline. All rats were transfected with Ad.eGFP.

MODES FOR CARRYING OUT THE INVENTION

30 *Aerobic training up-regulates the NO-mediated signalling pathway in the heart*

Groups of mice were either trained by giving them access to a running wheel for a period of 10 weeks (+EX) or housed in cages without wheels for the same period (−EX). Cardiac ganglia were then visualised by confocal microscopy after treatment of atrial tissue for immunohistochemistry.

Around 19% of cholinergic neurones in intrinsic parasympathetic ganglia exhibited co-immunoreactivity for NOS-1 following training. Furthermore, western blot analysis for NOS-1 expression in homogenised atria revealed a 75% increase in expression in the trained group.

To test the functional action of the vagus nerve on heart rates in the two groups, atria were isolated with an intact vagus attached to a stimulator. Atria from trained mice demonstrated enhanced bradycardia with vagal nerve stimulation compared to the controls (+EX: -76 ± 8 bpm (3Hz), -109 ± 13 bpm (5Hz); -EX: -62 ± 7 bpm (3Hz), -93 ± 9 bpm (5Hz); $p < 0.01$).

Responses to carbamylcholine (CCh), the acetylcholine analog, gave equivalent bradycardia in both groups, suggesting that training induces presynaptic rather than postsynaptic facilitation of parasympathetic function.

Inhibition of NOS-1 with L-NVIO, a specific pharmacological agent, decreased the bradycardia associated with nerve stimulation in both groups. The effect was more pronounced in the +EX group, however, and normalised the response with respect to the control, leading to the conclusion that the peripheral effects of exercise are mediated principally by the elevated NOS-1 levels seen after training. The effect of L-VNIO was reversed by addition of excess L-arginine, the substrate for NOS-1.

Gene transfer into heart tissue

NOS-1 gene transfer into hearts was tested as a route for reproducing the trained vagal phenotype. Guinea pigs were treated with recombinant adenoviruses containing genes for NOS-1 (Ad.NOS-1) or enhanced green fluorescent protein (Ad.eGFP), or with PBS alone (Sham) into the right atrium.

Replication-deficient adenoviral vectors were generated, purified and delivered as described in reference 58. Percutaneous gene transfer to the atrial wall of 5×10^9 – 5×10^{10} virus particles of Ad.eGFP (n=34) or Ad.NOS-1 (n=33) in 300 μ l phosphate-buffered saline (PBS) or sham injections (n=9, PBS only) was performed in halothane-anaesthetised male guinea pigs (mean wt, 374 ± 5 g).

Following ~5 days vector incubation, samples of atrial tissue were snap-frozen in OCT medium after equilibration in either 4% paraformaldehyde/2% sucrose or liquid nitrogen. Samples were tested by immunohistochemistry [59], confocal microscopy, NADPH-diaphorase assay, fluorescence microscopy [60], and western blot.

Qualitative examination of NOS location using NADPH-diaphorase staining of tissue cryosections showed greater expression in atrial tissue only in the Ad.NOS-1 group (Figure 1). Western blotting of NOS-1 gave the same result (Figures 3 & 4; 110% increase in NOS-1 expression). eGFP was present only in atria from Ad.eGFP-treated animals, using both western blotting and fluorescence microscopy (Figures 2 & 3). Expression of β -actin was equal between all groups.

Co-localisation of NOS-1 and cholinergic ganglia was revealed by confocal microscopy using immunofluorescence in whole atria against sheep α -NOS-1 and goat α -ChAT (Chemicon, UK). These data indicate site-specific pick up of the transgene into neurons (Figure 14).

In vitro heart rate (HR) responses to vagal nerve stimulation (VNS) were measured (3 & 5Hz; 10V, 1ms pulse interval). As shown in Figures 5 to 7, HR responses to vagal stimulation were increased ($p<0.01$) in Ad.NOS-1 subjects (-68 ± 10 bpm (3hz); -105 ± 10 bpm (5Hz)) compared to Ad.eGFP (-32 ± 4 bpm (3hz); -61 ± 6 bpm (5Hz)). Sham responses were no different to the Ad.eGFP group (-39 ± 3 bpm (3hz); -67 ± 5 bpm (5Hz)), confirming that eGFP expression has no side-effect on NOS-1 expression.

HR responses was also monitored after treatment with bath-applied carbachol (CCh, Sigma UK) *in vitro* (10^{-7} & 3×10^{-7} mol/L). There was no response difference between the three groups (Figure 8).

Isolated atria from all groups were pre-treated *in vitro* with N ω -nitro-L-arginine (L-NA, Sigma UK), a NOS inhibitor. This pre-treatment significantly attenuated the enhanced vagal bradycardia in Ad.NOS-1-treated atria ($*p<0.001$, Figure 10) and the HR responses of Ad.eGFP-treated ($*p<0.01$, $n=13$) and sham preparations ($*p<0.01$, $n=5$). Following NOS inhibition, responses of Ad.NOS-1, Ad.eGFP and sham-treated preparations to 3Hz and 5Hz VNS were not significantly different (Figure 10). In contrast, there were no significant differences among responses of the three treated groups to bath-applied carbachol (Figure 8). Furthermore, there was no significant difference among responses of the three groups to bath-applied carbachol in atria pre-treated with L-NA (Figure 11), suggesting that NO generated from NOS-1 acts predominantly within intra-cardiac ganglia to enhance cholinergic regulation of cardiac function without affecting post-synaptic cholinergic signalling. These data are consistent with reports that pharmacological enhancement of the NO-cGMP pathway during right atrial field stimulation facilitates the release of acetylcholine [13] by activating the guanylate cyclase/cGMP pathway [11,12]. Moreover, the vagal HR response to pharmacological modulators of the NO-cGMP pathway is not mimicked by bath applied cholinergic analogs, confirming that the main functional response of the NO-cGMP pathway resides pre-synaptically.

Acetylcholine release was measured *in vitro* before and after inhibition of guanylyl cyclase, as described in ref. 13. NOS-1-treated atria had enhanced ($p<0.01$) release of ACh during field stimulation compared to eGFP-treated atria. This difference was abolished by inhibition of guanylyl cyclase using ODQ (Figure 9).

Further experimental details can be found in reference 61 and its data supplement.

Rat model of hypertension

Following on from the *in vitro* guinea pig results, rats were transfected with the same Ad.NOS-1 and Ad.eGFP adenovirus vectors. The spontaneously hypertensive rat (SHR) standard model was used, and heart rate responses were measured *in vivo*.

At all stimulation frequencies, the reduction in heart rate was significantly greater in the Ad.NOS-1 group than in the Ad.eGFP group (Figure 12). Similarly, the increase in heart rate in response to injection of noradrenaline was significantly higher in the Ad.eGFP group than in the Ad.NOS-1 group (Figure 13).

- 5 Results of a further experiment in SHR comparing *in vivo* noradrenaline responses in an Ad.eGFP group with a NOS-1 group are shown in Figure 15. Results were significant (*) at all noradrenaline concentrations ($p < 0.005$, and often $p \leq 0.002$). As well as these data on the sympathetic nervous system, parasympathetic responses to *in vivo* VNS were significantly different in the two groups at 3Hz, 5Hz, 7Hz and 10Hz (Figure 16).
- 10 The standard normotensive control for SHR is the Wistar-Kyoto (WKY) outbred rat. The noradrenaline-induced reduction in heart rate achieved by expression of NOS in the SHR model is similar to the reduction seen in WKY rats compared to the SHR group. Figure 17 shows noradrenaline responses in Ad.eGFP-transfected SHR rats and Ad.eGFP-transfected WKY rats, and the results are similar to those seen when comparing Ad.eGFP and Ad.NOS-1 groups in Figure 15.
- 15 Cardiac transfection with NOS-1 therefore results in enhanced *in vivo* vagal responsiveness in the hypertensive rat, and there is a trend for decreased adrenergic responses. Beyond the *in vitro* guinea pig studies, therefore, these *in vivo* findings suggest that transfection with NOS offers a positive prognostic outcome in relation to minimising arrhythmia and sudden cardiac death.

Conclusions

- 20 NOS-1 acts in a site-specific manner to promote vagal neurotransmission and bradycardia.
- NOS-1 gene transfer to the guinea pig right atrium increases protein expression and NOS-1 immunolocalisation in cholinergic ganglia. It also increases the release of acetylcholine and enhances heart rate responses to vagal nerve stimulation *in vitro* and *in vivo*.
- NOS inhibition normalises *in vitro* HR responses to vagal nerve stimulation in NOS-1 treated
- 25 animals compared to control groups. In contrast, an acetylcholine analog reduces HR to the same extent in all groups before and during NOS inhibition. NOS-1-derived NO thus acts pre-synaptically to facilitate vagally-induced bradycardia.
- The increase in vagal function following NOS-1 gene transfer is due to enhanced NO bioavailability.
- Up-regulation of NOS-1 via gene transfer is useful for increasing cardiac vagal function.
- 30 It will be understood that the invention has been described by way of example only and modifications may be made whilst remaining within the scope and spirit of the invention.

REFERENCES (the contents of which are hereby incorporated by reference)

- [1] Cole CR *et al.* *N Engl J Med.* 1999;341:1351-7.
- [2] Petretta *et al.* (1995) *Am J Hypertens.* 8:1206-1213.
- [3] Bibevski & Dunlap (1999) *Circulation* 99:2958-2963.
- [4] Grassi *et al.* (1999) *Am J Cardiol.* 84:525-529.
- [5] Balligand JL. *Cardiovasc Res.* 1999;43:607-20.
- [6] Chowdhary S, Townend JN. *Clin Sci (Colch).* 1999;97:5-17.
- [7] Paterson DJ. *Expt Physiol.* 2001;86:1-12
- [8] Wegener JW *et al.* *Circ Res.* 2002;90:18-20.
- [9] Choate JK *et al.* *Am J Physiol Heart Circ Physiol.* 2001;281:H2310-7.
- [10] Conlon K, Kidd C. *J Auton Nerv Syst.* 1999;75:136-46.
- [11] Herring N *et al.* *J Mol Cell Cardiol.* 2000;32:1795-1804.
- [12] Sears CE *et al.* *J Appl Physiol.* 1999;86:510-6.
- [13] Herring N, Paterson DJ. *J Physiol.* 2001;535:507-18
- [14] Han X *et al.* *J Physiol (Lond).* 1994;476:309-14.
- [15] Vandecasteele G *et al.* *Nature Medicine.* 1999;5:331-334.
- [16] Liou YJ *et al.* *Am J Med Genet* 2002;114:687-688.
- [17] de Prado A *et al.* *Adv Perit Dial* 2002;18:18-20.
- [18] Singleton AB *et al.* *Neurosci Lett* 2001;303:33-36.
- [19] Brenman JE *et al.* *Dev Neurosci* 1997;19:224-231.
- [20] Wang Y *et al.* *Crit Rev Neurobiol* 1999;13:21-43.
- [21] Chen *et al.* *Jpn J Pharmacol* 2002 89:327-336.
- [22] US patent 6,146,887.
- [23] Agha-Mohammadi & Lotze (2000) *J. Clin. Investigation* 105:1177-1183.
- [24] Suzuki *et al.* (1996) *Human Gene Therapy* 7:1883-1893.
- [25] Hu *et al.* (1997) *Cancer Research* 57:3339-3343.
- [26] WO 92/11033
- [27] Hallahan *et al.* (1995) *Nature Medicine* 8: 786-791.
- [28] *Vector Targeting for Therapeutic Gene Delivery.* Curiel & Douglas (eds.) ISBN: 0471434795.
- [29] *Viral Vectors for Gene Therapy: Methods and Protocols.* MacHida & Constant. ISBN 1588290190.
- [30] *Viral Vectors: Basic Science and Gene Therapy.* Cid-Arregui *et al.* ISBN 188129935X.
- [31] West *et al.* (2001) *Circulation* 104:1526-1532.
- [32] *Adenoviral Vectors for Gene Therapy.* Curiel & Douglas (eds.) ISBN: 0121995046.
- [33] Li *et al.* (2002) *Am J Physiol Heart Circ Physiol* 282:H594-601.
- [34] *Adeno-Associated Virus (Aav) Vectors in Gene Therapy.* Berns & Giraud. ISBN: 3540610766.
- [35] *Lentiviral vectors.* Trono *et al.* (eds.) ISBN: 3540421904.

- [36] *Nonviral Vectors for Gene Therapy*. Huang *et al.* ISBN: 0123584655.
- [37] *Nonviral Vectors for Gene Therapy: Methods and Protocols*. ISBN: 0896037126.
- [38] Li & Ma *Curr Gene Ther* 2001;201-226.
- [39] US patent 5,422,120
- [40] WO 95/13796
- [41] WO 94/23697
- [42] WO 91/14445
- [43] EP 0524968
- [44] US patent 5,149,655
- [45] Findeis *et al.*, *Trends Biotechnol.* (1993) 11:202
- [46] Chiou *et al.* (1994) *Gene Therapeutics: Methods And Applications Of Direct Gene Transfer*. ed. Wolff
- [47] Wu *et al.*, *J. Biol. Chem.* (1988) 263:621
- [48] Wu *et al.*, *J. Biol. Chem.* (1994) 269:542
- [49] Zenke *et al.*, *Proc. Natl. Acad. Sci. (USA)* (1990) 87:3655
- [50] Wu *et al.*, *J. Biol. Chem.* (1991) 266:338
- [51] Unger EC *et al.* *Eur J Radiol* 2002 42:160-168.
- [52] Main & Grayburn. *Am Heart J* 1999 137:144-153.
- [53] Beer G *et al.* *Circulation* 2002 106;1756-1759.
- [54] Little *et al.* *Am J Physiol.* 1999;276:H758-765.
- [55] www.medifitdiagnostics.com/html/neuro.html
- [56] Julu PO. *J Auton Pharmacol* 1992;12:109-115.
- [57] Gennaro (2000) *Remington: The Science and Practice of Pharmacy*. 20th edition, ISBN: 0683306472
- [58] Channon *et al.* (1996) *Cardiovasc. Res.* 32:962-972.
- [59] Wang & Morris (1996) *Neuroscience* 74:1059-1068.
- [60] Channon *et al.* (1998) *Circulation.* 98:1905-1911.
- [61] Mohan *et al.* (2002) *Circ Res* 91:1089-1091.

CLAIMS

1. A method of treating a patient, comprising the step of delivering to the patient's cardiac autonomic structures nucleic acid which, when expressed, increases nitric oxide synthase levels.
2. The use of nucleic acid which, when expressed in cardiac autonomic structures, increases nitric oxide synthase levels, in the manufacture of a medicament.
3. The method or use of any preceding claim, for increasing cardiac vagal tone and/or responsiveness, for increasing bradycardia, for reducing cardiac autonomic impairment, for reducing the risk of sudden cardiac death, for reducing arrhythmia (*e.g.* atrial fibrillation and/or ventricular arrhythmia), for reducing the risk of myocardial infarction, and/or for reducing hypertension.
4. The method or use of any preceding claim, wherein nucleic acid is delivered to the vagus nerve.
5. The method or use of any preceding claim, wherein the nitric oxide synthase is NOS-1 and/or NOS-3.
6. The method or use of claim 5, wherein the NOS-1 is human NOS-1.
7. The method or use of any preceding claim, wherein the nucleic acid is targeted to cardiac tissue.
8. The method or use of any preceding claim, wherein expression of the nitric oxide synthase from the nucleic acid is regulated by a non-constitutive promoter.
9. The method or use of any one of claims 1 to 7, wherein expression of the nitric oxide synthase is regulated by a promoter which is specifically active in cholinergic ganglia tissue.
10. The method or use of any preceding claim, wherein the nucleic acid is packaged within a non-viral gene therapy vector.
11. The method or use of claim 10, wherein the nucleic acid is delivered as naked DNA.
12. The method or use of any preceding claim, wherein vagal tone in the patient is increased by at least 10%.
13. The method or use of any preceding claim, wherein the nucleic acid comprises DNA.
14. The method or use of any preceding claim, wherein the nucleic acid is non-replicating.
15. The method or use of any preceding claim, wherein the nucleic acid is non-integrating.
16. The method or use of any preceding claim, wherein the nucleic acid is an autonomously replicating episomal or extrachromosomal vector, such as a plasmid.

17. The method or use of any preceding claim, wherein the nucleic acid is delivered to the heart within microbubbles which can be disrupted by ultrasound.

18. A nucleic acid molecule comprising a non-constitutive promoter and a coding sequence, wherein:

(a) the promoter is operably linked to the coding sequence to control transcription of the coding sequence; (b) the promoter is specifically active in cholinergic ganglia tissue; and (c) the coding sequence encodes a nitric oxide synthase.

19. The nucleic acid of claim 18, for use as a medicament.

1/8

FIGURE 1



FIGURE 2



FIGURE 3



2/8

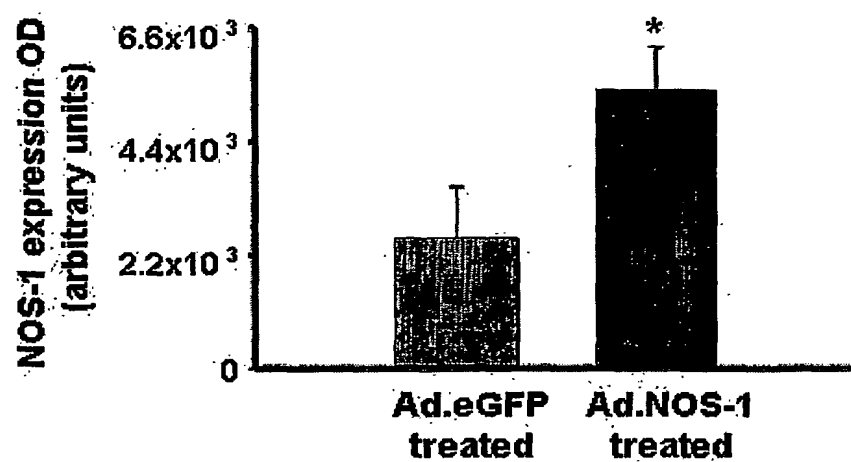
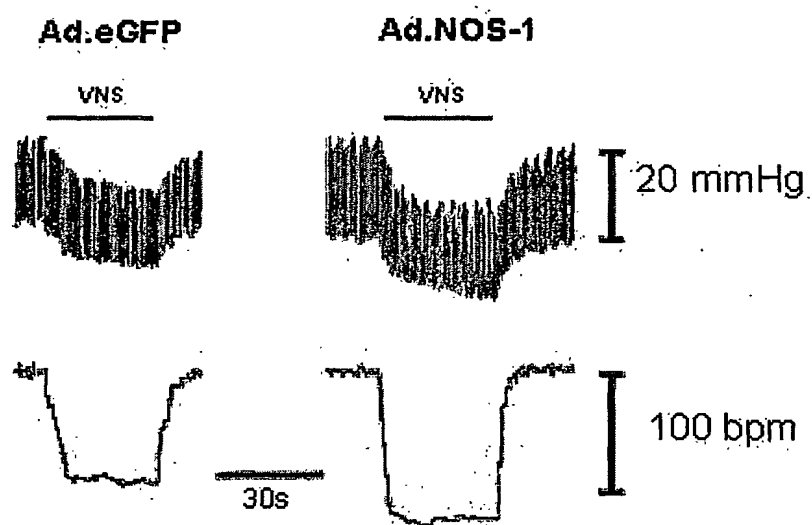
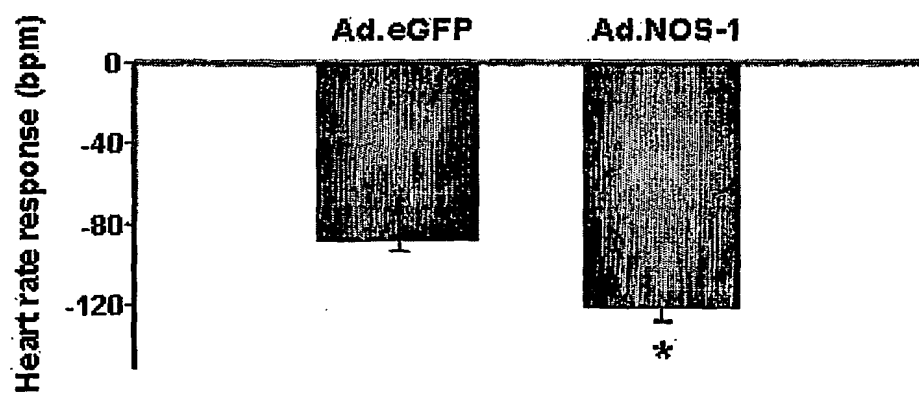
FIGURE 4**FIGURE 5****FIGURE 6**

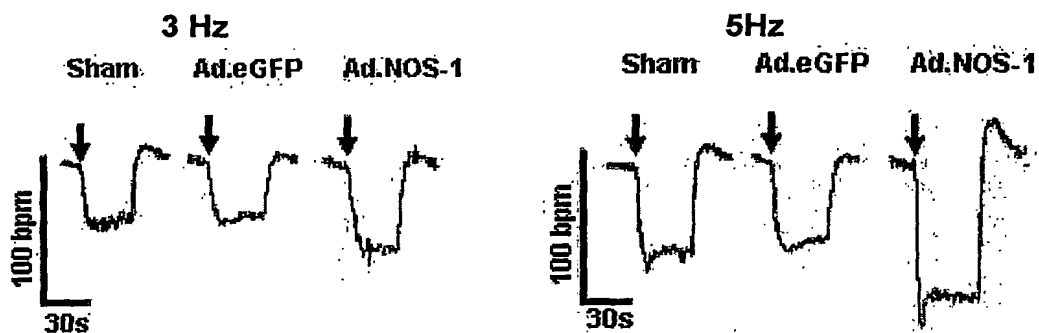
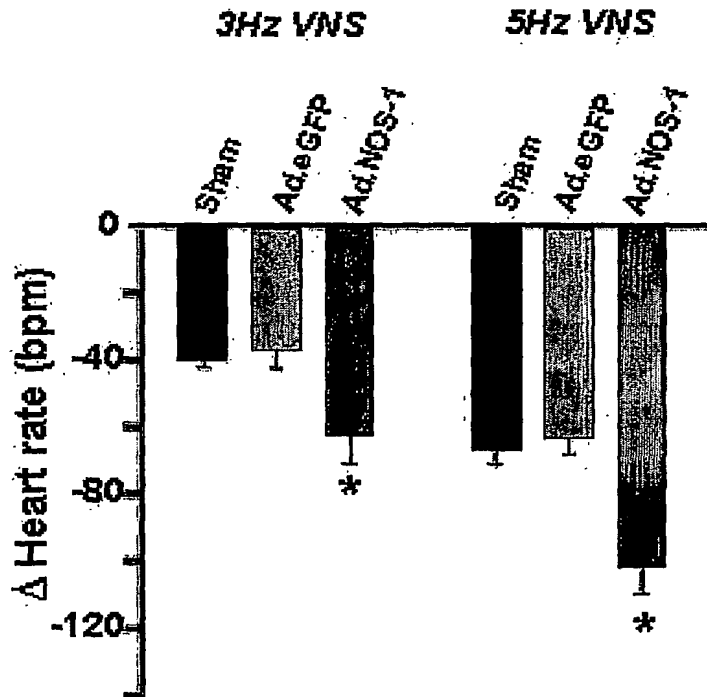
FIGURE 7**FIGURE 7A****FIGURE 7B**

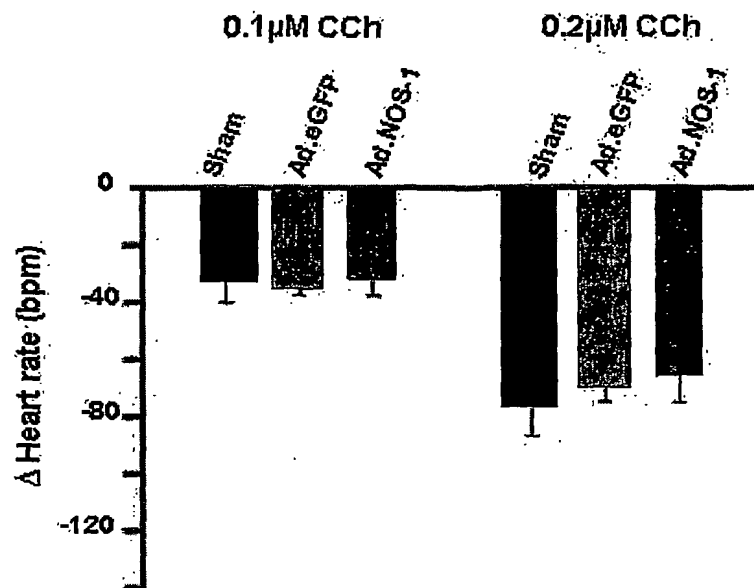
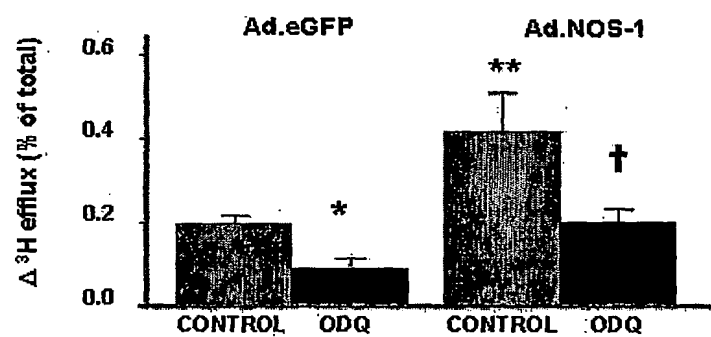
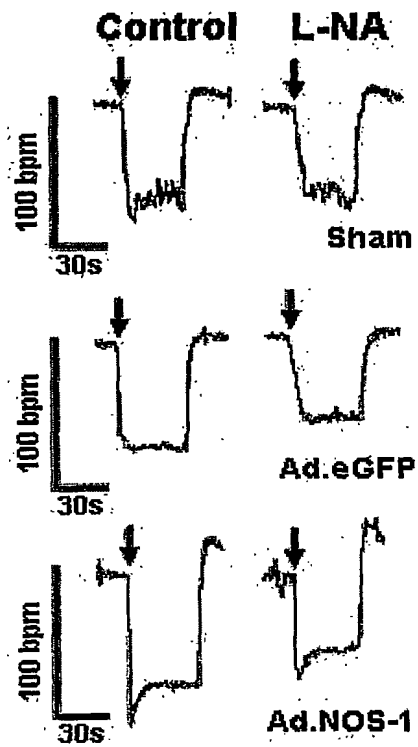
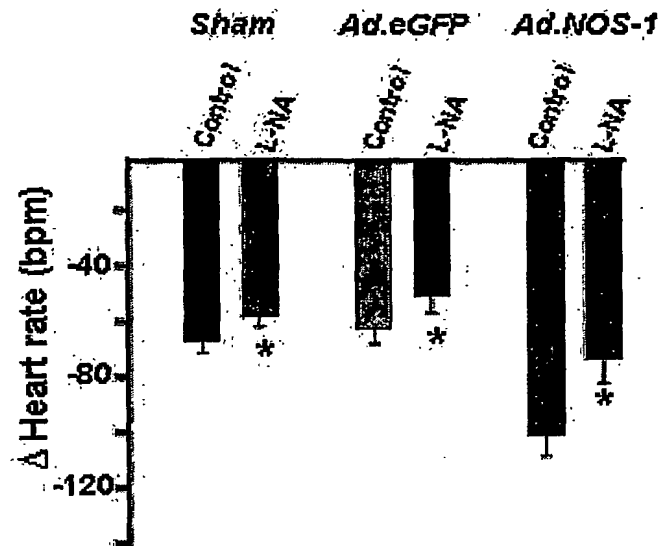
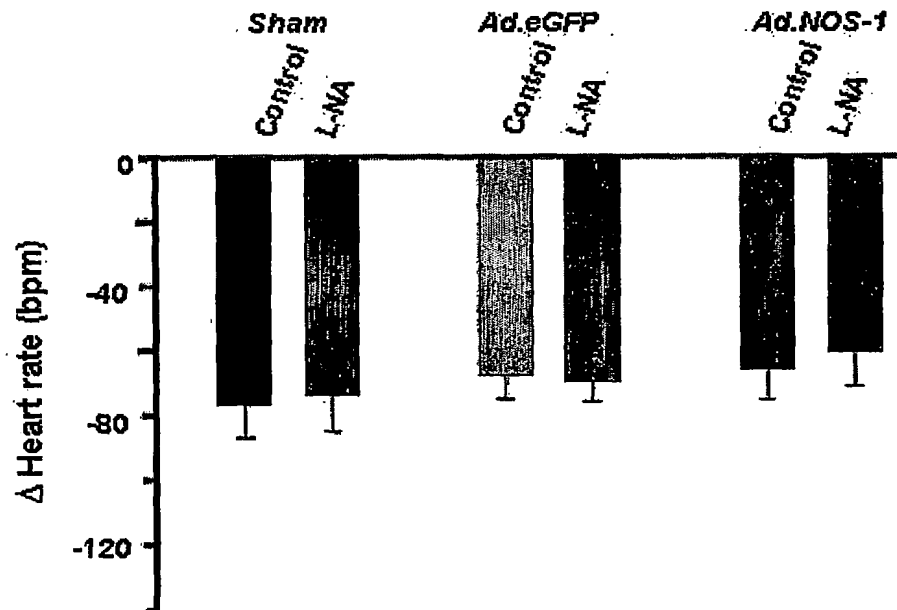
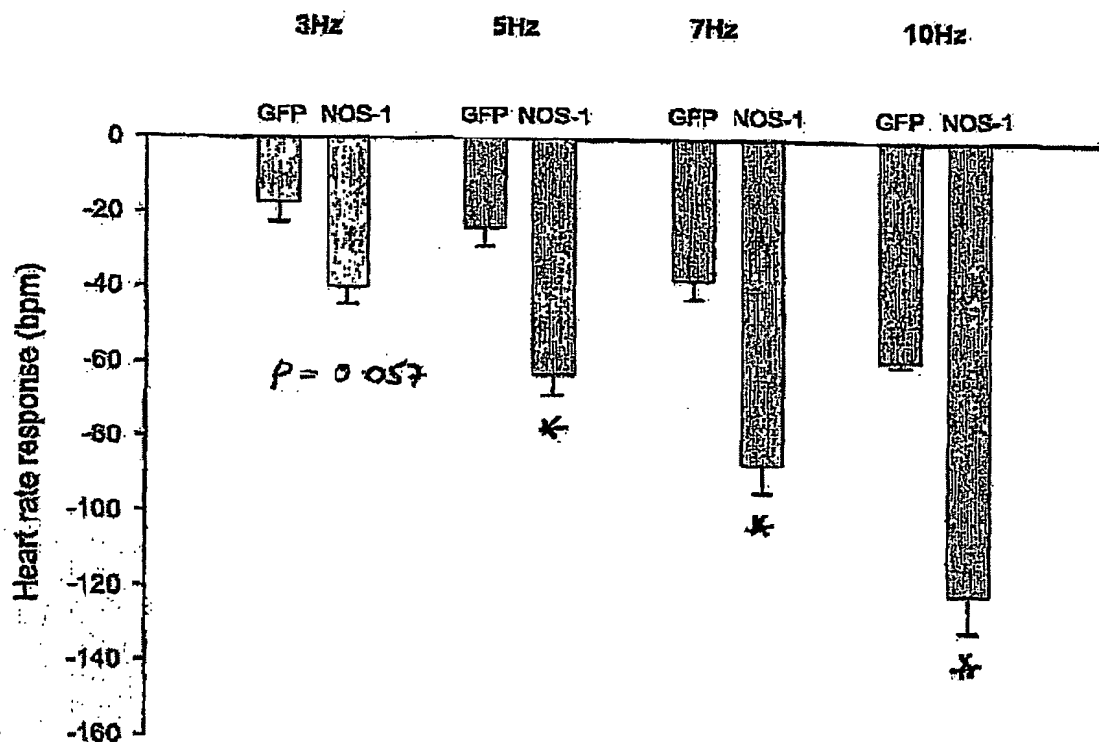
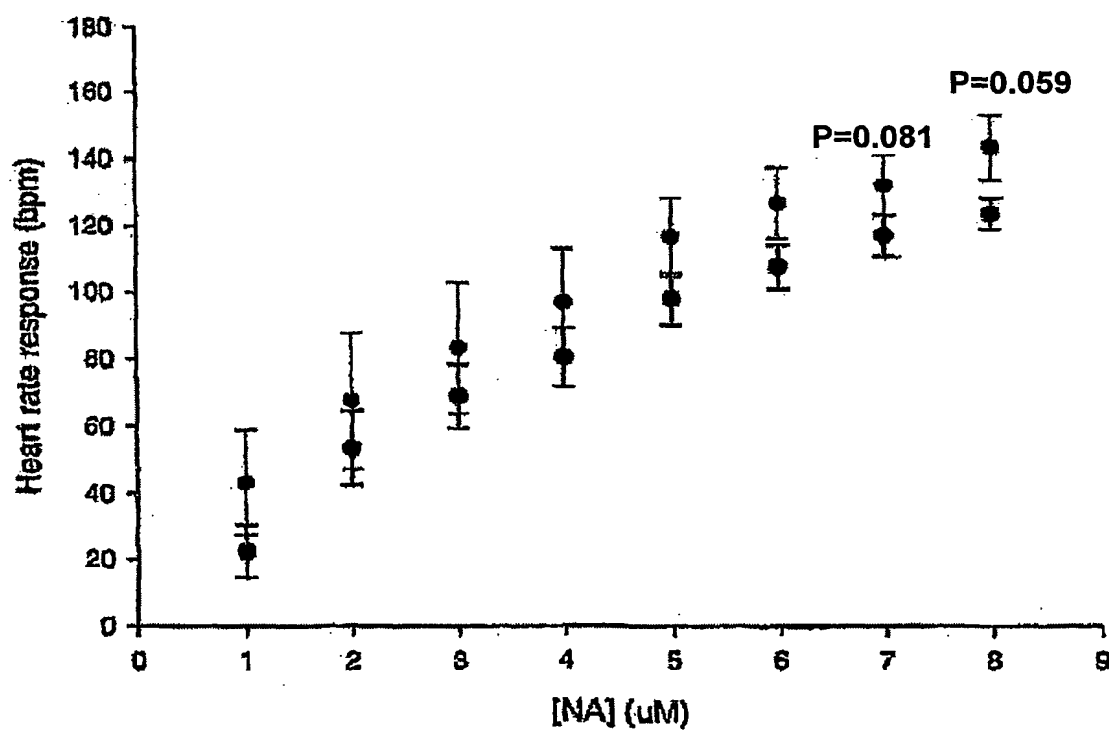
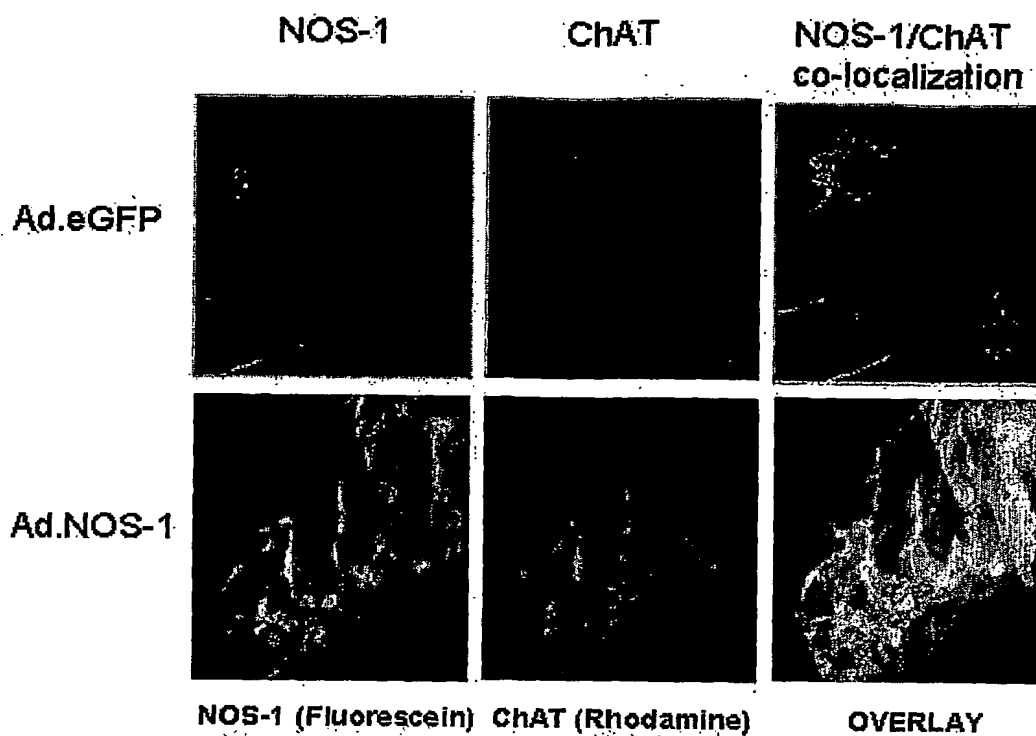
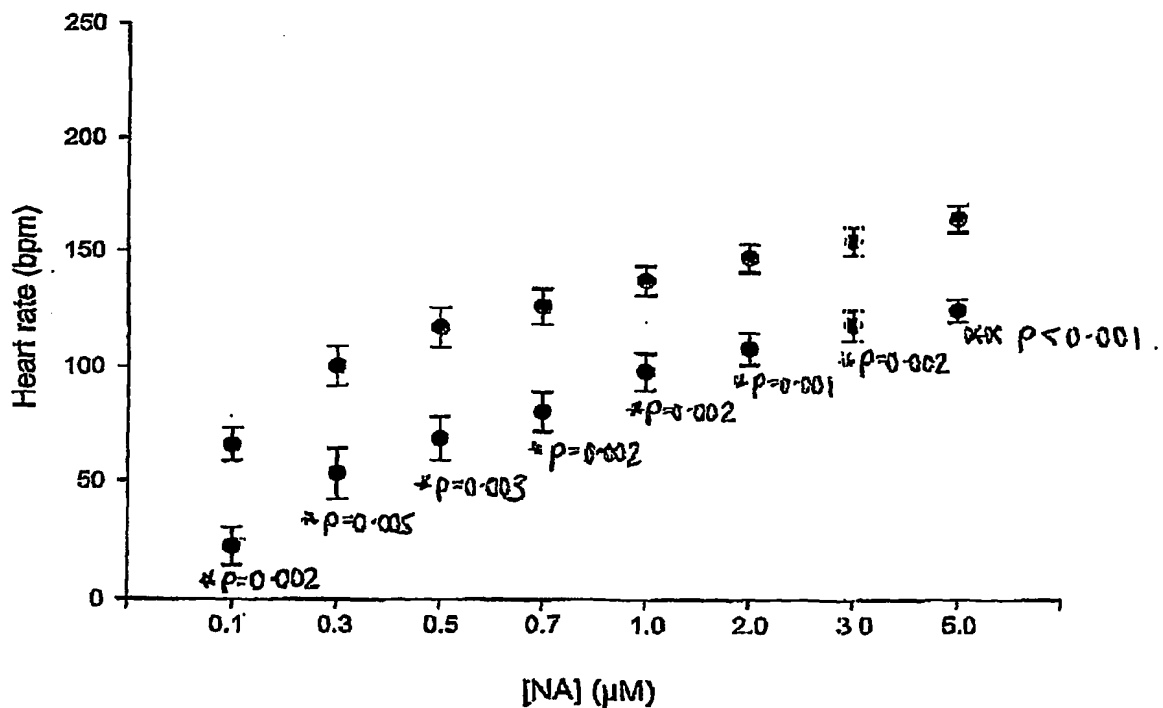
FIGURE 8**FIGURE 9**

FIGURE 10**FIGURE 10A****FIGURE 10B****FIGURE 11**

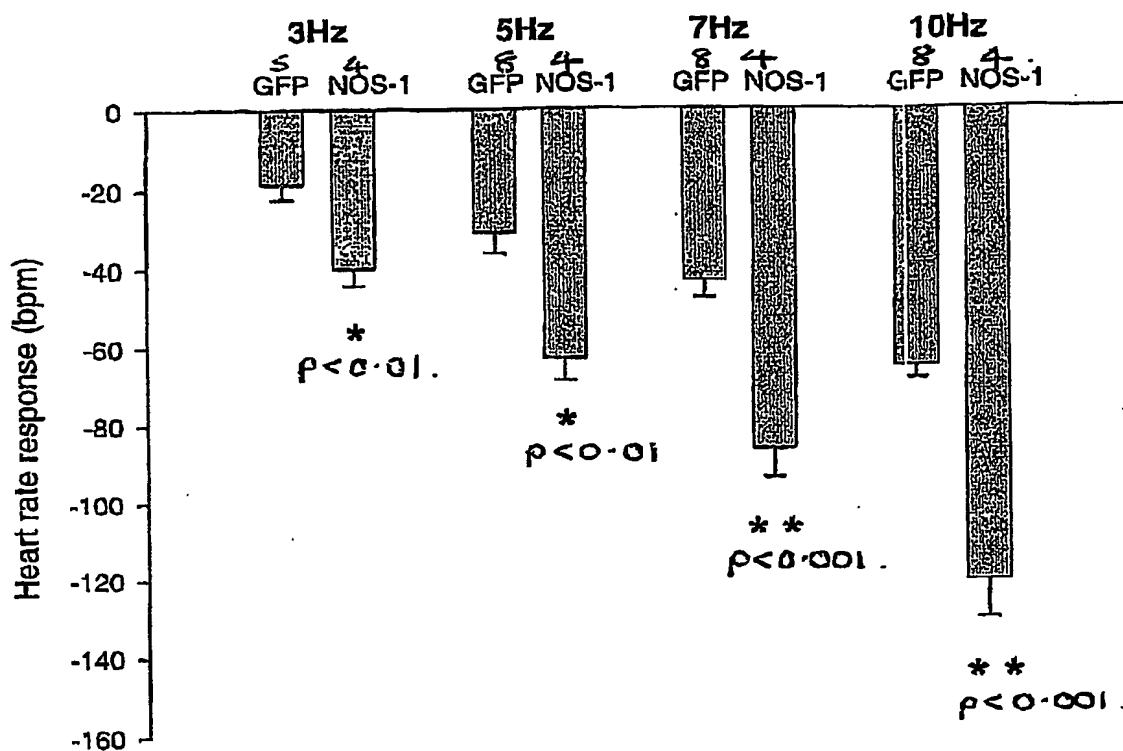
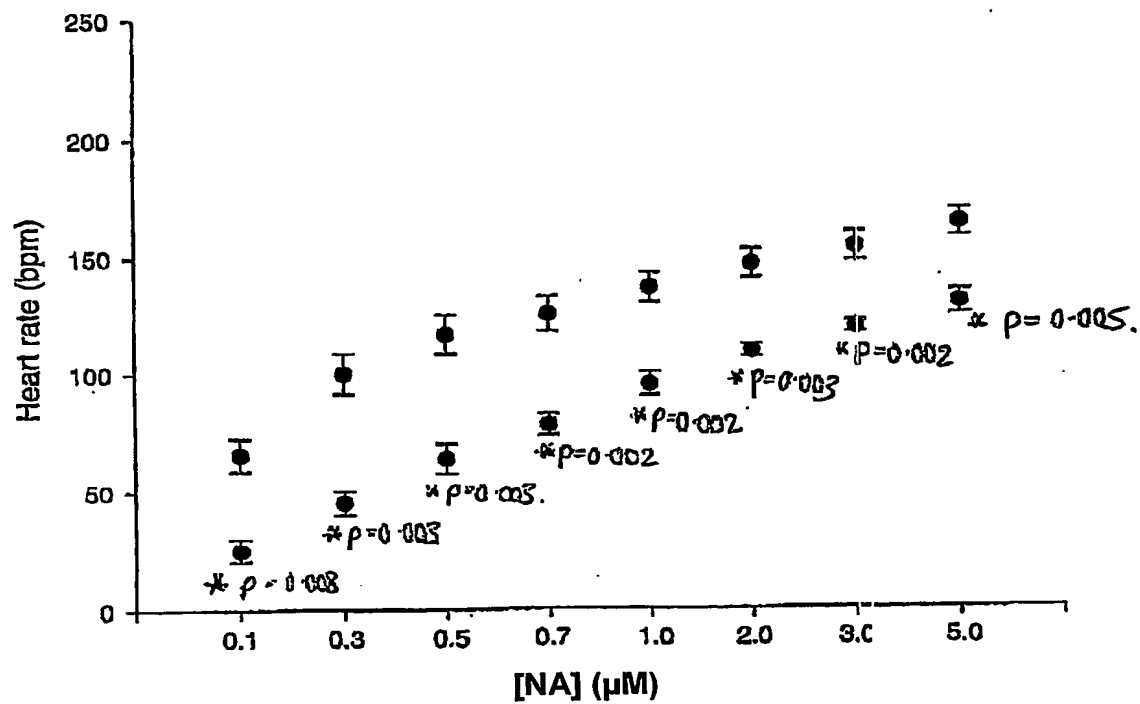
6/8

FIGURE 12**FIGURE 13**

7/8

FIGURE 14**FIGURE 15**

8/8

FIGURE 16**FIGURE 17**

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 03/04934

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K48/00 A61P9/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

BIOSIS, EMBASE, WPI Data, PAJ, EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 62605 A (UNIV YALE ; SESSA WILLIAM C (US)) 26 October 2000 (2000-10-26) claims; examples	1-3, 5, 7-19
X	US 2002/006396 A1 (ROCKEY DON C) 17 January 2002 (2002-01-17) claims; examples	1-3, 5, 6, 8-19
	--- -/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

4 March 2004

Date of mailing of the international search report

18/03/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Didelon, F

INTERNATIONAL SEARCH REPORT

International Publication No

PCT/GB 03/04934

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>LI QIANHONG ET AL: "Powerful reduction in infarct size by in vivo adenovirus-mediated gene therapy with endothelial nitric oxide synthase" CIRCULATION, vol. 100, no. 18 SUPPL., 2 November 1999 (1999-11-02), page I.837 XP009026963</p> <p>72nd Scientific Sessions of the American Heart Association; Atlanta, Georgia, USA; November 7-10, 1999 ISSN: 0009-7322 abstract</p>	1-3, 5, 7-19
X	<p>SAKAI K ET AL: "Enhanced depressor response to nitric oxide synthase gene transfer into the nucleus of the solitary tract of spontaneously hypertensive rats" JOURNAL OF HYPERTENSION, vol. 18, no. Suppl. 4, 2000, page S32 XP009026965</p> <p>18th Scientific Meeting of the International Society of Hypertension; Chicago, Illinois, USA; August 20-24, 2000 ISSN: 0263-6352 abstract</p>	1-3, 5, 8-19
X	<p>ALEXANDER M YVONNE ET AL: "Gene transfer of endothelial nitric oxide synthase improves nitric oxide-dependent endothelial function in a hypertensive rat model" CARDIOVASCULAR RESEARCH, vol. 43, no. 3, 15 August 1999 (1999-08-15), pages 798-807, XP002272371 ISSN: 0008-6363 the whole document</p>	1-3, 5, 8, 13-16, 18, 19
P, X	<p>MOHAN RAVI M ET AL: "Enhanced NOS-1 expression with gene transfer promotes cardiac vagal gain of function." CIRCULATION, vol. 106, no. 19 Supplement, 5 November 2002 (2002-11-05), pages II-293, XP009026938</p> <p>Abstracts from Scientific Sessions; Chicago, IL, USA; November 17-20, 2002 ISSN: 0009-7322 (ISSN print) abstract</p>	1-19

-/--

INTERNATIONAL SEARCH REPORT

International Publication No

PCT/GB 03/04934

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	MOHAN R M ET AL: "Neuronal nitric oxide synthase gene transfer promotes cardiac vagal gain of function." CIRCULATION RESEARCH, vol. 91, no. 12, 13 December 2002 (2002-12-13), pages 1089-1091, XP002272372 ISSN: 0009-7330 (ISSN print) the whole document ----	1-19
P,X	HEATON DANIEL A ET AL: "Cardiac nNOS gene transfer decreases beta-adrenergic hyper-responsiveness and enhances vagal function in spontaneously hypertensive rats." CIRCULATION, vol. 108, no. 17 Supplement, 28 October 2003 (2003-10-28), pages IV-184, XP009026940 American Heart Association Scientific Sessions 2003;Orlando, FL, USA; November 09-12, 2003 ISSN: 0009-7322 (ISSN print) abstract ----	1-19
P,X	DANSON EDWARD J ET AL: "Impaired regulation of neuronal nitric oxide synthase during exercise abolishes training-induced facilitation of cardiac vagal function in mice lacking one nNOS allele." CIRCULATION, vol. 108, no. 17 Supplement, 28 October 2003 (2003-10-28), pages IV-57, XP009026939 American Heart Association Scientific Sessions 2003;Orlando, FL, USA; November 09-12, 2003 ISSN: 0009-7322 (ISSN print) abstract -----	1-19

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Publication No

PCT/GB 03/04934

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0062605	A	26-10-2000	AU 4237800 A	02-11-2000
			BG 106051 A	28-06-2002
			BR 0009805 A	15-01-2002
			CA 2369764 A1	26-10-2000
			CN 1347283 T	01-05-2002
			CZ 20013427 A3	13-03-2002
			EE 200100538 A	16-12-2002
			EP 1178722 A1	13-02-2002
			HR 20010797 A1	28-02-2003
			HU 0200799 A2	29-06-2002
			JP 2002541829 T	10-12-2002
			NO 20015008 A	07-12-2001
			PL 351087 A1	24-03-2003
			SK 14692001 A3	10-09-2002
			WO 0062605 A1	26-10-2000
			US 2003049823 A1	13-03-2003
			ZA 200108463 A	15-01-2003
US 2002006396	A1	17-01-2002	NONE	

This Page is inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☒ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLORED OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents *will not* correct images problems checked, please do not report the problems to the IFW Image Problem Mailbox